

REMARKS

Applicant notes that no claim 14 was submitted in the original listing of claims

The examiner has required restriction under 35 U.S.C. 121 and 372 and pursuant to PCT Rule 13.1.

Pursuant to 37 CFR 1.143 Applicant respectfully requests that the examiner reconsider the request for restriction.

Applicant has withdrawn claim(s) 34-38 but reserves his right to rejoinder of those claims upon allowance of corresponding product claims.

Applicant respectfully disagrees with the examiner's assertion that the claims as originally submitted do not "*relate to one invention only or to a group of inventions*" as required by PCT Rule 13.1. Pursuant to PCT Rule 13.3 the manner of determining the unity of invention "shall be made without regard to whether the inventions are claimed in separate claims or as alternatives within a single claim." The general inventive concept presented by Applicant is that of concealing a medication or supplement ("dosage") in a manner to facilitate oral administration to an animal. The Claims which the examiner has designated as Group I, claim(s) 1-25 relate to a compound suitable for concealing such a dosage. Group II, claim(s) 26-33 relate to having a dosage concealed within such a compound. Group III, claim(s) 34-38 (now withdrawn) relate to details of surrounding such a concealed dosage with such a compound. Accordingly, Applicant submits that the invention or group of inventions disclosed are "*so linked as to form a single general inventive concept*." (See PCT Rule 13.1)

Election of genus: In conformance with 37 CFR 1.143 Applicant provisionally elects the invention defined by "Group I," claim(s) 1-25.

The examiner has asserted that Claims directed to different species (claims 7, 22, 31) lack unity of invention by virtue of referring to different emulsifiers. Applicant respectfully disagrees and requests reconsideration pursuant to 37 CFR 1.143. Each of claims 7, 22 and 31 is a Markush claim referring to an emulsifier "selected from a group consisting of casein, disodium phosphate, mono-glycerides, and di-glycerides." Accordingly each such claim refers to an identical designation of emulsifier. Such identity does not support the examiner's suggestion that those claims identify distinct separate species. See MPEP 808.01(a). There is, for example, no claim which containing the

limitation of any single one of the individually designated members of the emulsifier group.

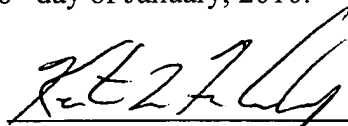
Election of species(emulsifier): In conformance with 37 CFR 1.143 Applicant provisionally elects the emulsifier defined by (a) casein. However, for the reasons pointed out above, all present claims (1-33) would read on a compound in which casein is the chosen emulsifier.

The examiner has asserted that claims 6 and 22 are directed to different species and lack unity of invention by virtue of referring to different oils. Applicant respectfully disagrees and requests reconsideration pursuant to 37 CFR 1.143. Each of claims 1, 6, 22, 26 refers to a "hydrogenated oil" or an oil "selected from a group consisting of vegetable oil and fish oil" or to "hydrogenated vegetable" and "hydrogenated fish oil." No claim contains a limitation of either "vegetable oil" or "animal oil." Accordingly, the examiner's suggestion that those claims define distinct separate species is not supported.

Election of species (class of oil): In conformance with 37 CFR 1.143 Applicant provisionally elects the invention defined by (a) vegetable oil. However, for the reasons pointed out above, all present claims (1-33) would read on a compound in which the oil is hydrogenated vegetable oil.

In view of the above amendments and remarks, favorable consideration of this application is solicited.

Respectfully submitted this 18th day of January, 2010.



Kenton L. Freudenberg (Reg. No. 32,732)
Attorney for Applicant
P.O. Box 841
Durango, CO 81302
Phone /Fax (970) 259-2765
Email: freudlaw@aol.com